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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/502,511  | 07/23/2004  | Hirosige Nakatsuka   | SAEG115.002APC        | 5949             |
| 20995   | 7590        | 06/19/2007           | EXAMINER              |                  |
| KNOBBE MARTENS OLSON & BEAR LLP<br>2040 MAIN STREET<br>FOURTEENTH FLOOR<br>IRVINE, CA 92614 |             |                      | ANTHONY, JOSEPH DAVID |                  |
|   |             | ART UNIT             |                       | PAPER NUMBER     |
|   |             | 1714                 |                       |                  |
|   |             |                      | NOTIFICATION DATE     | DELIVERY MODE    |
|   |             |                      | 06/19/2007            | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/502,511             | NAKATSUKA ET AL.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Joseph D. Anthony      | 1714                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 3/26/07 as an amendment.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 13,17 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13,17 and 27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## FINAL REJECTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13, 17 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamura et al. U.S. Patent Number 3,808,113.

Okamura et al. teach medical articles composed of a synthetic high polymer coated with collagen to be used in a living body are manufactured by subjecting a surface of shaped articles composed of the synthetic high polymer of polyethylene, polypropylene, polyethylene terephthalate, Teflon or silicone resin to a spark discharge, coating the thus treated surface with an acidic aqueous solution of collagen and then drying said surface to form collagen layer and irradiating the shaped article coated with collagen with radioactive rays, electron beam or ultraviolet ray under atmosphere having such a humidity that the water of the coated collagen becomes more than 20% by weight, see abstract. Specifically taught radioactive rays are gamma rays. Specifically taught dosages of irradiation are  $10^7$  r and  $1.0 \times 10^6$  r, both of which read on applicant's claimed radiation exposure of "10kGy or more". After irradiation, the collagen coating forms a thin film on the medical article, see column 2, line 65 to column 3, line 23, column 4, lines 30-70, and column 5, line 1 to column 6, line 66. Applicant's claims are thus deemed to be clearly anticipated over the disclosure of Okamura et al..

***Response to Arguments***

3. Applicant's arguments with respect to claims 13, 17 and 27 have been considered but are moot in view of the new ground(s) of rejection. Please note that the present application has been transferred to Examiner Joseph D. Anthony, since the previous Examiner has left the USPTO. Also note that the present Examiner has dropped all the previously made 35 USC 112 first and second paragraph rejections.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

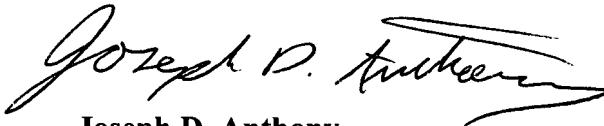
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Prior-Art Cited But Not Applied***

5. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention. Please note that the newly examiner cited Patent Application Publication Numbers US 2002/0197296A1 and US 2007/0128246A1, both disclose processes of forming a collagen containing coating on medical devices using a process of irradiation. These references are not being applied over applicant's claims since they are NOT prior-art references.

***Examiner Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.

  
Joseph D. Anthony  
Primary Patent Examiner  
Art Unit 1714

  
6/9/07